

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1779 - SB 1962

February 5, 2016

SUMMARY OF BILL: Broadens the stalking offenses under Tenn. Code Ann. § 39-17-315 to include indirect conduct, emotional distress that involves the fear for the safety of a third party, and situations in which one enlists a third party to contact or surveil the victim.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$44,700/Incarceration*

Increase Local Expenditures – Exceeds \$1,800/Incarceration**

Assumptions:

- The bill broadens the offense of stalking, aggravated stalking, and especially aggravated stalking under Tenn. Code Ann. § 39-17-315. Aggravated stalking is a Class E felony, and especially aggravated stalking is a Class C felony.
- Statistics from the Department of Correction (DOC) show an average of 2.67 admissions per year over the last three years for especially aggravated stalking and 6 admissions per year over the last three years for aggravated stalking.
- It is assumed that the bill will result in one additional admission every three years for especially aggravated stalking and one additional admission every two years for aggravated stalking.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will not affect the fiscal impact of this legislation.
- A recidivism discount applies, but due to the low number of admissions added by this legislation, the recidivism discount does not impact the incarceration cost for the proposed legislation.
- The average time served for a Class C felony is 3.22 years, or 1,176.11 days.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every three years serving an additional 3.22 years (1,176.11 days) for an annualized total of \$26,552.64 $[(\$67.73 \times 1,176.11 \text{ days}) / 3]$.
- The average time served for a Class E felony is 1.47 years, or 536.92 days.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every two years serving an additional 1.47 years (536.92 days) for an

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annualized total of \$18,182.80 [(\$67.73 x 536.92 days) / 2].

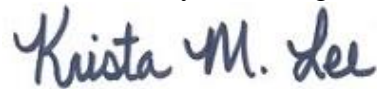
- The total recurring increase in state incarceration costs is \$ 44,735.44 (\$26,552.64 + \$18,182.80).
- Statistics from the Administrative Office of the Courts show an average of 30 convictions per year over the last five years for misdemeanor stalking.
- These statistics represent convictions in circuit or criminal court. Most misdemeanor cases are disposed of in general sessions court. It is assumed that only one out of every 10 misdemeanor cases is disposed of in circuit or criminal court.
- It is assumed that there are 300 convictions for misdemeanor stalking each year. (30 x 10).
- It is assumed that the bill will result in at least 10 additional misdemeanor stalking convictions each year. Fiscal Review does not have sufficient data to determine the percentage of stalking convictions that result in post-sentencing jail time or the average time served by each person remanded to jail.
- However, it is reasonable to assume that at least one of these additional admissions will result in jail time and that the time served will be at least 30 days.
- The estimated 2016 cost per inmate per day for local jails is \$60.00.
- The bill will result in a recurring increase in local incarceration costs by an amount estimated to exceed \$1,800 (1 offender x 30 days x \$60.00 per day).
- The bill only adds a few cases each year. It is assumed that the courts, district attorneys, and public defenders can handle any impact within their existing resources.

*Tennessee Code Annotated, Section 9-4-210, requires that: *For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

**Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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